

OPINION
60-247

June 10, 1960 (OPINION)

SPORTS AND AMUSEMENTS

RE: Licensing - Soft Drinks

This letter is with reference to your letter addressed to this office under date of May 19, 1960, and also to a reply thereto under date of June 3, 1960, written by Helgi Johanneson, first assistant attorney general.

As we understand your status, you have a franchise from the Post Exchange which authorizes you to sell and vend soft drinks on the base. Under the contract you agree to comply with all regulations relating to sanitation and health, and assume liability for all taxes applicable to the property, income, and transactions of the contractor. (See Section 4 of Agreement).

Our soft drink license law provides that no place where soft drinks are retailed shall be maintained or operated in this state unless the owner, proprietor, or managing agent first secures a license.

It is the opinion of this office that this definitely establishes the concessionaire as a retailer of soft drinks and therefore is subject to a soft drink license or licenses. It is further the opinion of this office that each building where soft drinks are sold would constitute a separate premise or outlet.

The policy of this office will be in conformity with the opinion hereinbefore set forth.

LESLIE R. BURGUM

Attorney General